

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MARCIA FREDERICK, individually, and )  
on behalf of all others similarly situated, )

*Plaintiffs,* )

v. )

UNITED STATES OLYMPIC )  
COMMITTEE, USA GYMNASTICS )  
(formerly known as the United States )  
Gymnastics Federation), RICHARD )  
CARLSON, MURIEL GROSSFELD, )  
GEORGE WARD, )

*Defendants.* )

Civil Action No: 1:18-cv-11299-IT

**MOTION TO DISMISS**

---

**DEFENDANT RICHARD CARLSON’S MOTION TO DISMISS THE  
PLAINTIFF’S FIRST AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. Rules 12(b)(2) and 12(b)(6), Defendant Richard Carlson (“Defendant Carlson”) respectfully requests that this Court dismiss all claims asserted against him by Plaintiff Marcia Frederick (“Plaintiff”). As grounds for this Motion, Defendant Carlson states as follows:

1. Plaintiff’s First Amended Complaint asserts two state common law claims against Defendant Carlson: negligence (Second Cause of Action) and negligent infliction of emotional distress. (Fourth Cause of Action)

2. Plaintiff’s First Amended Complaint must be dismissed because Plaintiff has failed to plead specific facts upon which personal jurisdiction over Defendant Carlson may be based.

3. Plaintiff's claims insofar as asserted against Defendant Carlson are barred by the applicable statute of limitations.

4. Plaintiff's First Amended Complaint fails to plead facts to demonstrate a "plausible" claim for negligence and/or negligent infliction of emotional distress against Defendant Carlson.

5. For these reasons, together with those explained in full in the accompanying Memorandum in Support, this Court should dismiss the First Amended Complaint against Defendant Carlson in its entirety for failure to state a claim upon which relief may be granted.

For the foregoing reasons, Defendant Carlson respectfully requests that this Motion be ALLOWED.

Respectfully submitted,

/s/ Austin J. Freeley  
Austin J. Freeley, Esq.  
BBO# 563349  
171 Milk Street  
Boston, Massachusetts 02109  
Tel: (617) 723-9538  
Freeley@Justice.com

Dated: October 26, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, with copies to be sent electronically to the registered participants as identified in the Notice of Electronic Filing issued by this Court on this 26th day of October, 2018.

/s/ Austin J. Freeley  
Austin J. Freeley

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Defendant Carlson respectfully requests that the Court hear oral argument on the Motion. Defendant Carlson believes that a hearing will be helpful to the Court in deciding the issues raised in the Motion.